

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	CRIMINAL NO. 3: 12-CR- 224
v.	)	
	)	JUDGE A. RICHARD CAPUTO
RICHARD J. HARLEY,	)	
	)	
Defendant	)	

**DEFENDANT’S MOTION TO SUPPRESS PHYSICAL EVIDENCE**

Richard Harley, Defendant in the above-captioned matter, moves this Court to suppress physical evidence seized from his residence and statements obtained in the course of that seizure. In support of this motion, by and through undersigned counsel, he represents as follows:

1. On August, 29, 2012, federal agents forcibly entered Mr. Harley’s residence at Unit A, Northslope III development located off Skyview Circle in Shawnee on Delaware, PA 18536.
2. The federal agents forced entry at the front door at 8:16 a.m. damaging the front door.
3. Mr. Harley questioned the FBI’s legal authority to forcibly enter his home.
4. Mr. Harley believes that he had an expectation of privacy in his home and that our society recognizes his right to be free from unreasonable searches in the house, person, papers and effects guaranteed under the Fourth Amendment of the U.S. Constitution.
5. After the agents forcibly entered the residence, they presented Mr. Harley with an unsigned, undated warrant in violation of the Fourth Amendment and Fed. R. Crim. Pro. 41.
6. As of the entry and during the search, the agents did not present Mr. Harley with a proper, signed and dated warrant, nor has Mr. Harley to this day been personally

presented with a properly signed and dated warrant. (A copy of the “Warrant” presented is attached as Ex. A.).

7. During and after the search of the residence, government agents obtained statements from Mr. Harley.
8. These statements were obtained as a consequence of an unlawful search, i.e. without a proper warrant. Hence the statement obtained were the product of an unlawful search since agents were unlawfully in Mr. Harley’s residence.

WHEREFORE, this Court should suppress the fruits of the search conducted on the Harley residence described herein, including statements obtained from Mr. Harley as a direct result of the law enforcement officers’ unlawful presence on the premises.

Respectfully Submitted,

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Date: September 16, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion to Suppress and Memorandum of Law in Support were served on the Commonwealth, via electronic filing as follows:

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